

**City of Newburyport  
Zoning Board of Appeals  
January 24, 2017  
Council Chambers**

The meeting was called to order at 7:11 P.M.  
A quorum was present.

**1. Roll Call**

**In Attendance:**

Ed Ramsdell (Chair)  
Robert Ciampitti (Vice-Chair)  
Richard Goulet  
Renee Bourdeau  
Maureen Pomeroy (Associate Member)

**2. Business Meeting**

**a) Approval of Minutes**

**Minutes of the 01/10/17 meeting**

Mr. Goulet made a motion to approve the minutes and Ms. Bourdeau seconded the motion.

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**3. Public Hearings**

**Public Hearing #1 & #2:**

<b>2017      006</b> <b>Address: 333 Merrimac Street</b> <b>Dimensional Variance</b> <i>Affirm and grant previously approved variance for lot area, side setback, and frontage</i>
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<b>2017      007</b> <b>Address: 333 Merrimac Street</b> <b>Special Permit</b> <i>Affirm and grant previously approved special permit for a multi-family use (#103)</i>
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Attorney Lisa Mead presented the application on behalf of the applicants. The applicants wish to reaffirm a previously granted Special Permit for Use and Dimensional Variance from 2013. The project consisted of a lot split. One lot housed a single-family home and the other a two-family to be converted to three-family. The use was never instituted as the conversion to a three-family has not yet happened. Nothing has changed from previous applications including elevations. Ms. Mead reviewed Special Permit criteria. Variance hardship argued was that the lots are surrounded by other pre-existing non-conforming lots. The lot is also odd shaped. DPS has recommended that granite curbing be re-set and sidewalk repairs be made. New street trees were not recommended.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*Matt Coughlin, 22 Bromfield Street*

*Mr. Coughlin is the managing partner in the project and is in support.*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Ciampitti asked if other than the implementation of sidewalks, the application is the same. This was correct.

Ms. Bourdeau asked if there were any architectural plans. There are none yet. Ms. Bourdeau noted that a condition be added that the architectural plans be submitted to the building department.

**Deliberations:**

Mr. Ciampitti recalled the applicant and simplicity of the request previously. He thought the application was reasonable and well prepared. He would expect plans to be on file.

Mr. Goulet recalled the project and supported.

The rest of the Board supported the project as well.

**Conditions;**

-Prior to Issuance of a Building Permit final construction drawings and elevations shall be submitted to the Planning Office for that office's review to confirm that the construction, particularly the dormers, conforms to that outlined during the ZBA hearings. Drawings submitted at the hearing were conceptual in nature and did not provide a clear image as to the actual structure. This was clarified in oral testimony, hence the need for the requested submission.

-In accordance with the applicable provisions of Sections II-B.46a, X-H.6.Q, and X-H.7.B.10 of the Newburyport Zoning Ordinance the Board found, as recommended by DPS, that requiring repair of the sidewalk under these provisions is appropriate and that requiring adjusting granite curbing and replacing bituminous concrete sidewalk with concrete sidewalk in front of home is appropriate. Because of the narrowness of the sidewalk area no trees are recommended.

**Motion to approve application 2017-006 made with above conditions by Ms. Bourdeau seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**Motion to approve application 2017-007 made with above conditions by Ms. Bourdeau, seconded by Mr. Ciampitti.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**Public Hearing #3 & #4:**

**2017 008**

**Address: 127 Water Street**

**Special Permit for Non-conformities**

*Modify pre-existing non-conforming structure to allow for a two-family use*

**2017 009**

**Address: 127 Water Street**

**Special Permit**

*Change from mixed use to two-family (#102)*

Attorney Lisa Mead presented on behalf of the applicants.

The applicant is proposing to convert the existing structure from a mixed-use building that has office space on the first floor and a residential unit on the second, to a two-family structure. The property is located in the WMD zone in front of the sewer treatment plant on Water Street. The commercial space was used as a coffee shop in the 1980s and has since been used as office space. The applicant is requesting a SPNC to modify the use of the existing structure as well as a Special Permit to allow the two-family use. The existing structure is non-conforming with regard to area, front yard setback, side yard setback, lot coverage, open space and use because it is not marine related office space. There would be no exterior modifications except for windows on the front. A residential use is less intense and the entire area aside from the treatment plant is residential. Ms. Mead reviewed the Special Permit criteria. The project would not be substantially more detrimental to the neighborhood. DPS reviewed the project and determined that trees and new sidewalks are not necessary. Front elevations were explained with window changes to be consistent with the second floor.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*Tom Kolterjahn, 64 Federal Street, Co-president Newburyport Preservation Trust*

*He had no problem with this application. It will improve the property. He encouraged the developer to improve the front of the building a bit more.*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Goulet asked for clarification on the plan for the front with windows. The windows would be historically accurate with two windows instead of a storefront window on the first floor.

Mr. Ramsdell asked what the upstairs windows are currently and if they will be matched. For now the plan is to match, but would perhaps change in collaboration with Mr. Kolterjahn. Mr. Ramsdell requested elevations be submitted once complete.

**Deliberations:**

The Board appeared to support the applications.

**Motion to approve application 2017-008 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**Motion to approve application 2017-009 made by Mr. Ciampitti, seconded by Ms. Pomeroy.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**Public Hearing #5 & #6:**

**2017      010**

**Address: 146-148 Merrimac Street**

**Dimensional Variance**

*Construct a four-unit residential building on a lot with an existing office building requiring variances for open space, height, and front and rear yard setbacks*

**2017      011**

**Address: 146-148 Merrimac Street**

**Special Permit**

*Allow a four-unit residential building (Use #103)*

Attorney Mark Griffin presented on behalf of the applicants. The applicants are proposing to construct a 4-unit residential structure on a parcel with an existing office building. The proposed building will be three-stories and front on Pop Crowley Way. The required parking will be accommodated on site. Relief is being sought for front and rear setbacks, open space and building height. Scott Brown, architect, presented a bird's eye rendering of the project. This part of Newburyport has a mix of architectural types. He went with a gambrel style like the existing building. It would be constructed with high quality materials and be an enhancement to the neighborhood. They are also proposing a brick walkway along Pop Crowley Way running from the parking area to the end of the lot to increase pedestrian access to Cashman Park and the waterfront. Each unit would be provided with a one car garage and an additional tandem space. The hardship for the variance argued was shape and topography of the lot. It is a large lot that slopes and narrows. It is also a corner lot surrounded by non-conforming lots. Special Permit Criteria was reviewed. Police, Fire and DPS reviewed project plans and indicated they did not have any concerns.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*None*

**In Opposition:**

*Mark Janos, on behalf of Faith Delaney 140-142 Merrimac Street  
Direct abutter concerned with volume, density, increased traffic, views.*

*Faith Delaney, 140-142 Merrimac Street  
Reiterated above concerns.*

*Marian Spark, 126 Merrimac Street, Unit 6  
Concerned with include timing, sightline, traffic, parking, drainage.*

*Stephanie Niketic, 93 High Street  
Concerned with reference to a density bonus.*

*Jeff Beaton, 126 Merrimac Street, Unit 6  
Concerned with protecting views, FEMA flood zone/*

*Joseph Burns, 126 Merrimac Street, Unit 5  
Concerned with density, view.*

**Questions from the Board:**

Mr. Goulet asked about parking locations and elaboration on site landscaping. There would be two spaces per unit, shown on the site plan. Commercial parking is provided for. Landscaping not yet approached, but they would hire a landscape architect. Some elements would involve reduced paved area, privacy and vista, and screening.

Mr. Ramsdell asked about drainage and permeable materials. Mr. Griffin noted they would be prepared to condition permeable surface on walkways to doors. Parking lots would be asphalt. The lot drains south to north.

Mr. Ciampitti asked about drainage issues and whether drywells, etc. were discussed. A picture provided by a neighbor showed puddled areas. Ted Van Nahl, owner of the office building for over 30 years was familiar with these issues. They would be willing to adopt suggestions to minimize impact on neighbors. He talked to just about all neighbors and the Rivers Edge Board. Most feedback was on the walkway to the river.

Ms. Bourdeau was quite concerned with drainage and saw this as a challenging site. The applicants may want to think about providing the Board with some analysis. Pre-development and proposed development net change.

Mr. Ciampitti commented on the variance for height and whether it could be lowered. Mr. Brown explained it would not be possible with the proposed gambrel.

Mr. Ramsdell was concerned with drainage, massing and density. The rest of the Board agreed.

The applicants requested to continue the hearing.

**Motion to continue applications 2017-010 and 2017-011 to 2/28/17 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve  
Robert Ciampitti – approve  
Richard Goulet – approve  
Renee Bourdeau – approve  
Maureen Pomeroy - approve

**Public Hearing #7 & #8:**

<p><b>2017      012</b>  <b>Address: 3 Hillside Avenue</b>  <b>Use Variance</b>  <i>Permit and in-law apartment in detached garage</i></p>
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<p><b>2017      013</b>  <b>Address: 3 Hillside Avenue</b>  <b>Special Permit</b>  <i>Permit in-law apartment (#109)</i></p>
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Attorney Lisa Mead presented on behalf of the applicants. This is not a typical use variance. The applicants wish to have an in-law apartment above their detached garage, but the ordinance says the unit must be attached. The lot is surrounded by cemetery as well as the proposed Hillside community.

The existing garage has a workshop over it and that would be converted into an in-law apartment for the applicant's brother. Ms. Mead reviewed the Special Permit criteria. There is plenty of parking in the driveway. The permit must be recorded at the Registry of Deeds and the homeowner must certify compliance of the in-law when required. There is movement in zoning to accommodate these types of situations. Hardship argued was related to the lot shape and topography. The request is consistent with the neighborhood.

**Chair Ramsdell opened the hearing to public comment.**

**In Favor:**

*None*

**In Opposition:**

*None*

**Questions from the Board:**

Mr. Goulet asked if the only change to the structure is the egress stairs? Yes.

**Deliberations:**

Mr. Ciampitti thought arguments were made for requests.

The rest of the Board agreed.

**Motion to approve application 2017-012 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy - approve

**Motion to approve application 2017-013 made by Mr. Ciampitti, seconded by Ms. Bourdeau.**

The motion passed unanimously.

**Votes Cast:**

Ed Ramsdell– approve

Robert Ciampitti – approve

Richard Goulet – approve

Renee Bourdeau – approve

Maureen Pomeroy - approve

**The meeting adjourned at 9:07pm**

**Respectfully submitted, Katie Mahan - Note Taker**